

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-1429 - Block 1296, lot 1002-110 East 42nd Street - Bowery Savings Bank Building-Individual & Interior Landmark
An Academic Italian Romanesque style bank and office building designed by York & Sawyer and W. Louis Ayres and built in 1921-23, with an addition built in 1931-33. Application is to alter the entrances.

MODIFICATION OF USE AND BULK

BOROUGH OF MANHATTAN 09-1554 - Block 1296, lot 1002-110 East 42nd Street - Bowery Savings Bank Building-Individual & Interior Landmark
An Academic Italian Romanesque style bank and office building designed by York & Sawyer and W. Louis Ayres and built in 1921-23 with an addition dating from 1931-33. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission pursuant to Sections 74-79 and 81-635 of the Zoning Resolution to permit the transfer of development rights.

BINDING REPORT

BOROUGH OF MANHATTAN 09-4598 - Block 1142, lot 7502-Broadway and West 70th Street - Upper West Side/Central Park West Historic District
The northeast corner of Broadway and West 70th Street. Application is to install a metal and glass newsstand.

n12-25

SMALL BUSINESS SERVICES

PUBLIC HEARINGS

On behalf of
THE CITY COUNCIL

The City Council, by resolution adopted on November 19, 2008, set December 9, 2008 as the date, 11:00 A.M. as the time, and the City Council Committee Room, 2nd Floor, City Hall, New York, New York 10007, as the place for a public hearing (the "Public Hearing") to hear all persons interested in the proposed legislation which would establish the Hudson Square Business Improvement District (the "District") in the Borough of Manhattan. The District shall be established in accordance with a district plan (the "District Plan") on file at the Office of the City Clerk. The City Council has authorized the New York City Department of Small Business Services to publish, on its behalf, this notice of the Public Hearing containing the information required by Section 25-406(c) of the Administrative Code of the City of New York and summarizing the resolution adopted.

The District Plan was submitted to, and reviewed by, the City Planning Commission and Manhattan Community Board Number 2. The Community Board and the City Planning Commission have approved the District Plan.

The District Plan provides that the proposed District shall generally include properties on the north side delimited by West Houston Street. The western and southern boundaries are delimited by the following streets: following Greenwich Street from West Houston to Spring, east along Spring (including those tax lots facing the north side of Spring Street), then south on Hudson Street to Canal Street (taking in those tax lots facing the east side of Hudson), then east on Canal Street to Sixth Avenue (taking in those tax lots facing the north side of Canal). The eastern boundary is delimited by the following streets: following Sixth Avenue north from Canal Street to Spring Street (taking in those tax lots facing the west side of Sixth Avenue), following Spring Street west to Varick Street (taking in those tax lots facing the north side of Spring Street and those facing the east side of Varick), continuing north on Varick to West Houston (taking in tax lots facing both sides of Varick). Services to be provided in the District shall include, but not be limited to: maintenance and sanitation; marketing and retail; traffic management and safety; streetscape; administration of the District and additional services required for the enjoyment and protection of the public and the promotion and enhancement of the District (hereinafter "Services"). Pursuant to the District Plan, capital improvements (hereinafter "Improvements") may include, but shall not be limited to: sidewalk; lighting and street furniture; various means of storm water management; trees, and other public amenities designed to affect the microclimate; open space enhancements; developing traffic calming improvements; designation of additional bicycle lanes; improving pedestrian connections; and enhancing trash receptacles. The Improvements shall be implemented on an as-needed basis. During the existence of the BID, the maximum cost of the Improvements, if any, shall not exceed \$50,000,000. The District shall be managed by the Hudson Square District Management Association, Inc.

To defray the cost of Services and Improvements provided in the District, all real property in the District shall be assessed in proportion to the benefit such property receives from the Services and Improvements. Each property shall be assessed at a rate, determined annually by the Hudson Square District Management Association, Inc., to yield an amount sufficient to meet the District's annual budget. The annual budget for the District's first year of operation is \$2,500,000.

All properties within the District devoted in whole or in part to retail, commercial or professional use shall constitute Class A properties and shall be assessed in accordance with the following formula:

$$\text{Class A Rate} = \frac{\text{Budget} - [\text{Total Class B lots} + \text{Total Class D lots}]}{\text{Total Commercial Square Footage}}$$

For the first Contract Year, the Class A rate is anticipated to be no greater than \$0.19 (nineteen cents) per commercial square foot.

All properties within the District devoted in whole to

residential uses shall constitute Class B properties and shall be assessed at one dollar (\$1.00) per year. Government and not-for-profit owned properties devoted in whole to public or not-for-profit use shall constitute Class C properties and be exempt from district assessment. Government or not-for-profit owned properties devoted in whole or in part to commercial or for-profit uses shall constitute Class A property and the portion devoted to commercial/for-profit uses shall be assessed in the same manner as those properties listed in Class A.

All properties vacant, without structures or any commercial use, within the District shall constitute Class D properties and shall be assessed at one dollar (\$1.00) per year until such time as they receive a temporary or permanent certificate of occupancy.

All properties without structures and used as parking lots within the District shall constitute Class E properties and shall be assessed on lot square footage and calculated at the Class A rate.

The amount, exclusive of debt service, assessed and levied in any given year against benefited real property within the District may not exceed twenty percent (20%) of the total general City taxes levied in such year against such properties.

Copies of the resolution adopted by the City Council, which include a copy of the District Plan, are available for public inspection from 9:00 A.M. to 4:00 P.M. Monday through Friday at the Office of the City Clerk located at 265 Municipal Building (South Side), One Centre Street, New York, New York 10007. In addition, copies of the resolution are available free of charge to the public at the Office of the City Clerk.

Any owner of real property, deemed benefited and therefore within the District, objecting to the District Plan, must file an objection at the Office of the City Clerk, on forms made available by the City Clerk, within thirty (30) days of the close of the hearing on the proposed District. If owners of at least fifty-one percent (51%) of the assessed value of benefited real property situated within the boundaries of the District proposed for establishment, as shown on the latest completed assessment roll of the City, or at least fifty-one percent (51%) of the owners of benefited real property within the area included in the District proposed for establishment file objections with the City Clerk, the District shall not be established.

n24

TRANSPORTATION

NOTICE

COMMUTER VAN SERVICE AUTHORITY APPLICATION

NOTICE IS HEREBY GIVEN that the Department of Transportation has received an application for a commuter van service authority. The applicant proposes to operate a van service in the Boroughs of Brooklyn/Manhattan. From a residential area of Brooklyn bounded on the west by 86th Street from Bay Parkway to Narrows Avenue, bounded on the north by Narrows Avenue from 86th Street to 68th Street, bounded on the east by 68th Street from Narrows Avenue to 2nd Avenue, bounded on the north by 2nd Avenue from 68th Street to 39th Street, bounded on the east by 39th Street from 2nd Avenue to Fort Hamilton Parkway, along Fort Hamilton Parkway from 39th Street to Ocean Parkway, bounded on the south by Ocean Parkway from Fort Hamilton Parkway to Bay Parkway, along Bay Parkway from Ocean Parkway to 86th Street. From and to said territory to the borough of Manhattan mass transit and shopping facilities bounded on the north by West Street from South Street to 14th Street, bounded on the east by 14th Street from West Street to Franklin Roosevelt Drive, bounded on the south by Franklin Roosevelt Drive from 14th Street to West Street. The applicant is Lucky Transportation, Inc., 2300 East 15th Street, 2nd Floor, Brooklyn, NY 11229. The applicant is proposing to use 10 van(s) daily to provide this service 24 hours a day.

There will be a public hearing held on Tuesday, December 16, 2008 at the Brooklyn Borough President's Office, Community Room, 209 Joralemon Street, Brooklyn, NY 11201 from 2:00 P.M. - 4:00 P.M. and on December 17, 2008 at the Manhattan Borough President's Office at One Centre Street, 19th Floor South, New York, NY 10007 from 2:00 P.M. - 4:00 P.M. for an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Bureau of Traffic Operations, 40 Worth Street - Room 1035, New York, NY 10013 no later than December 17, 2008. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed service will not meet present and/or future public convenience and necessity.

COMMUTER VAN SERVICE AUTHORITY APPLICATION
(Brooklyn/Manhattan)

NOTICE IS HEREBY GIVEN that the Department of Transportation has received an application for an expansion of a commuter van service authority. **The applicant's Current Authorized Territory: Elmhurst/Jackson Heights/ to Borough Park/Bensonhurst/Bay Ridge:** From a residential area of Queens bounded on the north by Roosevelt Avenue from 76th Street to College Point Blvd. continuing along College Point Blvd. from Roosevelt Avenue to Northern Blvd. and along Northern Blvd. from College Point Blvd. to Parsons Blvd. Bounded on the east by Parsons Blvd. from Northern Blvd. to Cherry Avenue. Continuing

along the southern border on Cherry Avenue from Parsons Blvd. to Elder Avenue and LIE to 99th Street. Still on the Southern Border continuing on 57th Avenue to Queens Blvd. Bounded on the west by Queens Blvd. from 57th Avenue to 76th Street along 76th Street to Roosevelt Avenue. From and to said territory to the borough of Brooklyn bounded on the south by 8th Avenue From 66th to 80th Street, bounded on the north by Bay Parkway from 89th Street to 59th Street to 17th Avenue. Along 7th Avenue from 59th Street to 40th Street to 3rd Avenue back to 66th Street.

Requested Expansion: Brooklyn/Manhattan: From the borough of Brooklyn bounded on the north by Avenue P from Stillwell Avenue to Nostrand Avenue, on the east along Nostrand Avenue from Avenue P to Avenue Z, bounded on the south by Avenue Z from Nostrand Avenue to Ocean Parkway, along Ocean Parkway from Avenue Z to Avenue U, bounded on the west by Stillwell Avenue from Avenue U to Avenue P. From and to said territory to the borough of Manhattan bounded on the north by Bayard Street from Mulberry Street to Bowery, bounded on the east by the Bowery from Bayard Street to Division Street, bounded on the south by Division Street from Bowery to Mulberry Street, bounded on the west by Mulberry Street from Division Street to Bayard Street. The company is **B.Q.E. Bus Service, Inc.** They can be reached at 40-06 Case Street 1st Floor, Elmhurst, New York 11373. The applicant is proposing to use 10 vans 16 hours a day. There will be public hearings held on Tuesday, December 16, 2008 at the Brooklyn Borough President's Office, Community Room, 209 Joralemon Street, Brooklyn, NY 11201 from 2:00 P.M. - 4:00 P.M. and on December 17, 2008 at the Manhattan Borough President's Office, One Centre Street, 19th Floor South, New York, NY 10007 from 2:00 P.M. - 4:00 P.M. for an opportunity to voice your position on this application. In addition, written comments in support or in opposition to this application may be sent to Ms. Dorothy Szorc at the New York City Department of Transportation, Bureau of Traffic Operations, 40 Worth Street, Room 1035, New York, New York 10013 no later than December 17, 2008. Any written comments received after this date may not be considered. Those opposing the application must clearly specify why the proposed additional van service will not meet present and/or future public convenience and necessity.

n24-28

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

SALE BY SEALED BID

SALE OF: 4 LOTS OF MISCELLANEOUS EQUIPMENT, USED.

S.P.#: 09008

DUE: December 2, 2008

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley (718) 417-2156 for information.

n18-d2

POLICE

OWNERS ARE WANTED BY THE PROPERTY CLERK
DIVISION OF THE NEW YORK CITY POLICE
DEPARTMENT.

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.
Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES

(All Boroughs):

- * College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- * Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY

FLOOD ELIMINATION AND CHIMNEY REPAIR – Competitive Sealed Bids – PIN# SCA09-11839D-1 – DUE 12-11-08 AT 10:00 A.M. – PS 135 (Q). Project Range: \$1,330,000.00 to \$1,400,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5868.

n21-28

SCIENCE LAB UPGRADE – Competitive Sealed Bids – PIN# SCA09-004382-2 – DUE 12-12-08 AT 10:00 A.M. – Various Schools (3) in Brooklyn. Project Range: \$1,730,000.00 to \$1,820,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5852.

n24-d1

WINDOWS – Competitive Sealed Bids – PIN# SCA09-11106D-1 – DUE 12-09-08 AT 11:30 A.M. – PS 150 at M840 (Manhattan). Project Range: \$1,160,000.00 to \$1,230,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 472-8360.

n18-24

AGENCY RULES

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

NOTICE

Notice of Promulgation of Rule Regarding Amendment of the Title of Chapter 1 of Title 48 of the Rules of the City of New York

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Office of Administrative Trials and Hearings by section 1049 of the New York City Charter, and in accordance with section 1043(b) of the Charter, that the Office of Administrative Trials and Hearings hereby promulgates the following rule. The rule was published in The City Record on October 6, 2008.

Section 1. The chapter name of chapter 1 of title 48 of the Rules of the City of New York is amended to read as follows:

New material is underlined.

CHAPTER 1

RULES OF PRACTICE APPLICABLE TO CASES AT OATH GENERALLY, OTHER THAN ENVIRONMENTAL CONTROL BOARD CASES

Section 2. The title of chapter 3 of title 48 of the Rules of the City of New York and section 3-01 of such chapter, "Fitness and Discipline of Employees of the Office of Administrative Trials and Hearings", are re-numbered as chapter 4 and section 4-01, as follows:

New material is underlined.

Deleted material is in [brackets].

Chapter [3] 4

FITNESS AND DISCIPLINE HEARINGS FOR OATH EMPLOYEES

[§ 3-01] § 4-01 **Fitness and Discipline of Employees of the Office of Administrative Trials and Hearings.**

Statement of Basis and Purpose of Final Rule

The Office of Administrative Trials and Hearings (OATH) has amended the name of chapter 1 of title 48 of the Rules of the City of New York to clarify the fact that Environmental Control Board (ECB) rules of procedures are distinct from the rules of practice that otherwise govern cases at OATH. Specifically, OATH has amended the name of chapter 1 of title 48, presently entitled "Rules of Practice Applicable to Cases at OATH generally," to instead read "Rules of Practice Applicable to Cases at OATH Generally, Other Than Environmental Control Board Cases."

OATH also has re-numbered chapter 3 of title 48, "Fitness and Discipline of Employees of the Office of Administrative Trials and Hearings," as chapter 4 of title 48, and therefore also has re-numbered section 3-01 of title 48 as section 4-01 of title 48. The reason for this re-numbering is to allow for the insertion (which is done by separate rule) of a new chapter 3, which will contain the rules of the Environmental Control Board.

The reason for these changes is that as of November 23, 2008, ECB has been consolidated within OATH. The consolidation of OATH and ECB is pursuant to the provisions of Local Law Number 35 of 2008, which provides that "[t]here shall be in the office of administrative trials and hearings an environmental control board." To effect this consolidation, Local Law Number 35 amends City Charter section 1404, which governs ECB, and re-numbers that Charter section as section 1049-a.

Local Law Number 35 takes effect thirty days after becoming law, or "as soon as practicable thereafter as a transfer of functions may be effectuated pursuant to subdivision 2 of section 70 of the civil service law." The law was signed on August 12, 2008. The date on which a "transfer of functions" was effectuated was on November 23, 2008. Accordingly, the consolidation of OATH and ECB was effective on November 23, 2008.

In view of the fact that ECB is now a part of OATH, as of November 23, 2008, ECB rules of procedure and ECB penalty schedules are now included within title 48, as chapter 3 of that title. However, those ECB rules of procedure and penalty schedules will be added to title 48 by a separate rule.

As is authorized by section 1043(d)(ii) of the Charter, there was no public hearing regarding the proposed rule, on the ground that such a public hearing would serve no public purpose. This was in view of the fact that the amendment to the title of chapter 1, and the re-numbering of chapter 3 and of section 3-01, merely reflect ministerial implementations of the statutory mandate of Local Law Number 35, that ECB and OATH be consolidated.



THE CITY OF NEW YORK OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

40 RECTOR STREET \$ NEW YORK, NEW YORK 10006-1705
212-442-4900 \$ FAX 718-935-6584 \$ TDD 212-442-4939
NYC.GOV/OATH \$ CMCFUL@OATH.NYC.GOV

ROBERTO VELEZ
CHIEF ADMINISTRATIVE LAW JUDGE

CHARLES D. McFAUL
DEPUTY CHIEF
ADMINISTRATIVE LAW JUDGE & COUNSEL
212-442-4926

FINDING OF SUBSTANTIAL NEED FOR EARLIER IMPLEMENTATION

I hereby find, pursuant to Section 1043, subdivision e, paragraph 1(c) of the City Charter, and represent to the Mayor, that there is a substantial need for the implementation, immediately upon its final publication in the City Record, of the Office of Administrative Trials and Hearings' (OATH's) rule to re-number and re-name various provisions of OATH's rules of procedure as found in Title 48 of the Rules of the City of New York (Title 48), as is set forth in the final rule.

The purpose of the re-numbering and re-naming is to accommodate the inclusion within Title 48 of the rules of the Environmental Control Board (ECB). ECB's rules must be included within Title 48 because ECB will be consolidated within OATH pursuant to Local Law Number 35 of 2008.

Local Law Number 35 takes effect thirty days after becoming law, or "as soon as practicable thereafter as a transfer of functions may be effectuated pursuant to subdivision 2 of section 70 of the civil service law." The date on which a "transfer of functions" will be effectuated is November 23, 2008. Accordingly, the consolidation of OATH and ECB will be effective on November 23, 2008.

In view of the fact that the consolidation of ECB and OATH will be effective on November 23, 2008, implementation of this rule upon publication is essential to ensure that provisions of Title 48 are re-numbered and re-named as of the publication date of this rule, to ensure that ECB's procedural rules and penalty schedules can be properly located within Title 48 immediately following the consolidation of ECB and OATH.

Roberto Velez
Chief Administrative Law Judge, OATH
Chairperson, ECB

APPROVED:
Michael R. Bloomberg
Mayor

DATE: 11/20/08

ENVIRONMENTAL CONTROL BOARD

NOTICE

Notice of Promulgation of Rule Regarding the Transfer of Rules of the Environmental Control Board (ECB) from Title 15 of the Rules of the City of New York into Title 48 of the Rules of the City of New York

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Environmental Control Board (ECB) by Section 1049-a of the New York City Charter, and in accordance with Section 1043(b) of the Charter, that the Environmental Control Board hereby promulgates the following rule. The rule was published in The City Record on October 6, 2008.

Section 1. Chapter 31 of Title 15 of the Rules of the City of New York, relating to the rules of the Environmental Control Board, and entitled "Enforcement Procedures Before the Environmental Control Board," is hereby REPEALED and all rules contained in such chapter are REISSUED as Chapter 3 of Title 48 of the Rules of the City of New York. Such Chapter 3 of Title 48 shall contain all subchapters previously contained in chapter 31 of Title 15, and the prefix "3" shall replace the prefix "31" in the rule numbers of all rules contained in such Chapter 3 of Title 48.

Statement of Basis and Purpose

The Environmental Control Board (ECB) has (i) repealed chapter 31 of Title 15 of the Rules of the City of New York, relating to the rules of procedure and the penalty schedules of the Environmental Control Board, entitled "Enforcement Procedures Before the Environmental Control Board," and (ii) reissued all rules contained in such chapter as Chapter 3 of Title 48 of the Rules of the City of New York. Such Chapter 3 of Title 48 shall contain all subchapters previously contained in chapter 31 of Title 15, and the prefix "3" shall replace the prefix "31" in the rule numbers of all rules contained in such Chapter 3 of Title 48.

No public hearing was held on this rule in light of the fact that, pursuant to section 1043(d)(ii) of the NYC Charter, ECB determined that a public hearing would serve no public purpose. ECB made this determination because the proposed repeal of ECB's rules as found in Title 15 of the RCNY, and the proposed reissuance and re-numbering of ECB's rules in Title 48 of the RCNY, merely reflects a ministerial implementation of the statutory mandate of Local Law Number 35 that ECB and OATH be consolidated. No written comments were received regarding this rule.

ECB proposed this repeal and reissuance in view of the fact that as of November 23, 2008, ECB was consolidated with the Office of Administrative Trials and Hearings (OATH) by virtue of the enactment of Local Law Number 35 of 2008. Title 48 of the RCNY includes OATH's rules. In view of the fact that ECB is consolidated with OATH, ECB's rules are being reissued as a part of OATH's rules within Title 48.

ECB is being consolidated into OATH pursuant to the provisions of Local Law Number 35 of 2008, which provides that "[t]here shall be in the office of administrative trials and hearings an environmental control board." To effect this consolidation, Local Law Number 35 amends City Charter section 1404, which currently governs ECB, and re-numbers that Charter section as Charter section 1049-a.

Local Law Number 35 takes effect thirty days after its becoming law or "as soon as practicable thereafter as a transfer of functions may be effectuated pursuant to subdivision 2 of section 70 of the civil service law." The law was signed on August 12, 2008. The date on which a "transfer of functions" will have been effectuated is November 23, 2008. Accordingly, the consolidation of OATH and ECB became effective on November 23, 2008.

The reason for the reissuance of ECB's rules in Chapter 3, in particular, of Title 48, is because OATH, by a rule simultaneously promulgated with this rule, is re-numbering what was previously numbered Chapter 3 of Title 48 ("Fitness and Discipline Hearings for OATH Employees") as Chapter 4 of Title 48. This re-numbering is being done so that ECB's rules can be placed within Chapter 3, in order to ensure a logical ordering of rules within Title 48.

ECB is also simultaneously promulgating a separate rule to re-number various internal references within ECB's rules of procedure and penalty schedules, entitled "Enforcement Procedures Before the Environmental Control Board." For example, internal references to section 1404 of the City Charter will be re-numbered as section 1049-a, in order to reflect the re-numbering of the City Charter provision effectuated by Local Law Number 35 of 2008.

ECB will also in the near future be proposing additional rules to implement substantive mandates of Local Law Number 35, including mandates pertaining to the provision of language assistance services to respondents, and to adjournments.

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ENVIRONMENTAL CONTROL BOARD
66 John Street, 10th Floor
New York, NY 10038
Telephone: 212-361-1400

FINDING OF SUBSTANTIAL NEED FOR EARLIER IMPLEMENTATION

I hereby find, pursuant to Section 1043, subdivision e, paragraph 1(c) of the City Charter, and represent to the Mayor, that there is a substantial need for the implementation, immediately upon its final publication in the City Record, of the new Environmental Control Board rule that has (i) repealed chapter 31 of Title 15 of the Rules of the City of New York, relating to the rules of procedure and penalty schedules of the Environmental Control Board, entitled "Enforcement Procedures Before the Environmental Control Board," and (ii) reissued all rules contained in such chapter as Chapter 3 of Title 48 of the Rules of the City of New York, which includes the rules of the Office of Administrative Trials and Hearings (OATH).

This immediate implementation is essential in view of the fact that ECB is being consolidated into OATH pursuant to the provisions of Local Law Number 35 of 2008, which provides that "[t]here shall be in the office of administrative trials and hearings an environmental control board." To effect this consolidation, Local Law Number 35 amends City Charter section 1404, which currently governs ECB, and re-numbers that Charter section as Charter section 1049-a. Local Law Number 35 takes effect thirty days after its becoming law or "as soon as practicable thereafter as a transfer of functions may be effectuated pursuant to subdivision 2 of section 70 of the civil service law." The law was signed on August 12, 2008. The date on which a "transfer of functions" will have been effectuated is November 23, 2008. Accordingly, the consolidation of OATH and ECB becomes effective on November 23, 2008.

In view of the fact that the consolidation of ECB with OATH becomes effective on Sunday, November 23, 2008, the implementation of this rule upon publication is necessary to ensure that ECB's rules of procedure and penalty schedules, entitled "Enforcement Procedures Before the Environmental Control Board," are included within OATH's rules in Title 48 of the RCNY on November 24th, 2008, the date of final publication in the City Record.

Roberto Velez
Chief Administrative Law Judge, OATH
Chairperson, ECB

APPROVED:
Michael R. Bloomberg
Mayor

DATE: 11/20/08

n24

HOUSING PRESERVATION & DEVELOPMENT

■ NOTICE

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED RULES PERTAINING TO FEES FOR ADMINISTRATION OF LOAN PROGRAMS AND CERTAIN OTHER MUNICIPALITY-AIDED PROJECTS

NOTICE IS HEREBY GIVEN pursuant to the authority vested in the Commissioner of the Department of Housing Preservation and Development ("Department") by Chapter 61 of the New York City Charter, Private Housing Finance Law Article XI, and General Municipal Law Articles 15 and 16 that the Department intends to propose rules pertaining to fees for administration of loan programs and certain other activities.

Written comment regarding these rules may be sent to Robin Weinstein, 100 Gold Street, Room 9P5, New York, N.Y. 10038 on or before December 29, 2008. A public hearing shall be held at 100 Gold Street, New York, N.Y., Room 5R2 on December 29, 2008 from 10:00 A.M. to 12:00 P.M. Persons seeking to testify are requested to notify Margarita Sychugova at the foregoing address prior to the date of the hearing. Speakers will be limited to five minutes. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Margarita Sychugova at the foregoing address by December 15, 2008. Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 A.M. and 5:00 P.M. at the Office of Development, telephone number (212) 863-6060.

Section 1. Title 28 of the rules of the city of New York is amended by adding a new chapter 37, to read as follows:

CHAPTER 37

FEES FOR ADMINISTRATION OF LOAN PROGRAMS AND CERTAIN OTHER MUNICIPALITY-AIDED PROJECTS

§37-01. HPD shall be authorized to charge and collect the fees set forth in this chapter.

§37-02. Definitions. For purposes of this chapter:

(a) "Appraisal Fee" shall mean the amount charged to a grantee, borrower, or recipient for HPD's administrative costs in connection with a Simple Appraisal or a Complex Appraisal.

(b) "Certificate of Incorporation Fee" shall mean the amount charged to an applicant for HPD's administrative costs in connection with the review of the formation of a housing development fund corporation pursuant to Article XI of the Private Housing Finance Law, including, but not limited to, review of a certificate of incorporation.

(c) "City-owned Property" shall mean real property title to which is held by the City of New York.

(d) "Complex Appraisal" shall mean an investigation by an appraiser to estimate the value of a property that is the basis of underwriting of a loan or grant or that will be conveyed from City to private ownership where such property consists of:

(1) six or more tax lots consisting entirely of vacant land, for which the valuation can be made solely based upon available comparable sales data; or

(2) any improved residential property consisting of four or more class A units; or

(3) any improved property consisting of a combination of commercial and residential uses; or

(4) any property consisting of a combination of vacant and improved land; or

(5) any other complex development project consisting of a combination of uses.

(e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

(f) "License Agreement Fee" shall mean the amount charged to an applicant for HPD's administrative costs in connection with preparing each license agreement or renewal thereof for short-term use of City-owned property. Such fee shall not be deemed to be a rental or use and occupancy charge.

(g) "Mortgage Refinance Fee" shall mean the amount charged to a grantee, borrower, or recipient for HPD's administrative costs in connection with processing requests to subordinate HPD debt.

(h) "Simple Appraisal" shall mean an investigation by an appraiser to estimate the value of a property that is the basis of underwriting of a loan or grant or that will be conveyed from City to private ownership where such property consists of:

(1) five or fewer tax lots consisting entirely of vacant land, for which the valuation can be made solely based upon available comparable sales data; or

(2) any improved residential property consisting of not more than three class A residential units for which the valuation can be made solely based upon available comparable sales data.

§37-03. Amount of Fee. The amount of each fee authorized under this chapter shall be as follows:

(a) Appraisal Fee. HPD may charge an Appraisal Fee in the amount of two thousand five hundred dollars (\$2,500) for each Simple Appraisal, and in the amount of three thousand dollars (\$3,000) for each Complex Appraisal.

(b) Certificate of Incorporation Fee. HPD may charge a Certificate of Incorporation fee in the amount of two hundred and fifty dollars (\$250).

(c) License Agreement Fee. HPD may charge a License Agreement Fee in the amount of one hundred dollars (\$100).

(d) Mortgage Refinance Fee. HPD may charge a Mortgage Refinance Fee in the amount of two hundred dollars (\$200).

§37-04. All fees authorized pursuant to this chapter shall be due and payable as directed by HPD. The fees set forth in this chapter shall be in addition to any other fees authorized under any other law or rules.

§2. This rule shall take effect immediately.

STATEMENT OF BASIS AND PURPOSE

Pursuant to New York City Charter §1802 and various federal and state statutes, the Department of Housing Preservation and Development (HPD), is empowered to perform a broad range of functions relating to both private and City-owned real property. The proposed rules set forth fees that may be charged and collected by HPD for its administrative costs in connection with performing such functions. The rules provide for fees for review by HPD of certificates of incorporation, for appraisals, for preparing or renewing license agreements for short-term leases of City-owned property, and for refinancing mortgages.

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SPECIAL MATERIALS

HOMELESS SERVICES

■ NOTICE

NOTICE OF CONCEPT PAPER

The Department of Homeless Services ("DHS") intends in the near future to issue a Request for Proposals seeking qualified

vendors to provide unarmed security guard services and related services for various City agencies. In addition to guard services, supplemental services would include pre-deployment training, compliance monitoring and the development of a linkage program for job seekers enrolled with the City's Small Business Services' Workforce 1 Program. As such, DHS is releasing a "concept paper" presenting the agency's proposed approach and requesting comments and feedback on the development of this important Request for Proposal. The concept paper will be posted on the agency's website, www.nyc.gov/dhs beginning 11/24/08 and public comment is invited. Please go to the DHS website for additional information.

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LATE NOTICES

AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

"These Hearings may be cablecast on NYC TV Channel 74 on Sundays, from 5:00 p.m. to 7:00 p.m. For more information, visit: www.nyc.gov/tv" NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.

CRIMINAL JUSTICE COORDINATOR

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Special Contract Public Hearing will be held on Tuesday, November 25, 2008, at 110 William Street, 4th Floor - Conference Room 4A, Borough of Manhattan, commencing at 12:00 Noon (Identification must be provided to gain entry into the building):

IN THE MATTER of a proposed contract between the Criminal Justice Coordinator's Office and Neighborhood Defender Services of Harlem, Inc., 317 Lenox Avenue, 10th Floor, New York, NY 10027, for the provision of indigent criminal defense services. The contract shall be in an amount not to exceed \$3,000,000. The contract term shall be from July 1, 2008 to June 30, 2009 with no option to renew. PIN#: 00209DMPS218.

The proposed contractor is being funded through City Council Discretionary Funds Appropriation, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Office of the Criminal Justice Coordinator, One Centre Street, 10th Floor North, New York, NY 10007, from November 24, 2008 to November 25, 2008, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 12:00 P.M. and from 2:00 P.M. to 4:00 P.M.

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LAW

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Special Contract Public Hearing will be held on Tuesday, November 25, 2008, at 110 William Street, 4th Floor - Conference Room 4A, Borough of Manhattan, commencing at 12:00 Noon (Identification must be provided to gain entry into the building):

IN THE MATTER of a proposed contract between the New York City Law Department and Orrick, Herrington & Sutcliffe LLP, 666 Fifth Avenue, New York, New York 10103, for special disclosure counsel services to the City of New York. The contract shall be in an amount not to exceed \$2,520,000. The contract term shall be from January 1, 2009 to December 31, 2010, and at the City's discretion, will contain two one-year options to renew from January 1, 2011 to December 31, 2011 and from January 1, 2012 to December 31, 2012. PIN#: 02508X1000A3

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Office of the New York City Law Department, 100 Church Street, 4th Floor East Reception Area, New York, New York 10007, from November 24, 2008 to November 25, 2008, Monday to Friday, excluding Holidays, from 9:00 A.M. to 5:00 P.M.

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READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at NYC.gov/selltonyc
- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://NYC.GOV.Selltonyc>

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE.... Date Intent to Negotiate Notice was published in CR
- OLB..... Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN..... Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS..... Source required by state/federal law or grant
- SCE Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB **Competitive Sealed Bidding** (including multi-step)
Special Case Solicitations / Summary of Circumstances:
- CP **Competitive Sealed Proposal** (including multi-step)
- CP/1 Specifications not sufficiently definite
- CP/2 Judgement required in best interest of City
- CP/3 Testing required to evaluate
- CB/PQ/4
- CP/PQ/4 **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP Demonstration Project
- SS **Sole Source Procurement/**only one source
- RS..... Procurement from a Required Source/ST/FED
- NA..... Negotiated Acquisition
For ongoing construction project only:
- NA/8 Compelling programmatic needs

- NA/9 New contractor needed for changed/additional work
- NA/10 Change in scope, essential to solicit one or limited number of contractors
- NA/11 Immediate successor contractor required due to termination/default
For Legal services only:
- NA/12 Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 Prevent loss of sudden outside funding
- WA2 Existing contractor unavailable/immediate need
- WA3 Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F Federal
- IG/S State
- IG/O Other
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A Life
- EM/B Safety
- EM/C Property
- EM/D A necessary service
- AC **Accelerated Procurement/**markets with significant short-term price fluctuations
- SCE **Service Contract Extension/**insufficient time; necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a anti-apartheid preference
- OLB/b local vendor preference
- OLB/c recycled preference
- OLB/d other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

☛ m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information or and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in City Record

NUMBERED NOTES

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.